



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9804 of 2014

K.T.Krishnan

... Petitioner

Vs.

1. State of Tamil Nadu rep.

By the Secretary to Government
Municipal Administration and Water
Supply Department, Fort St.George,
Chennai - 600 009.

2. The Director of Local Fund Audit

Kuralagom, Chennai - 600 108.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent dated 28.03.2011 in Mu.Mu.No.8457/ந/ஒ/வ(4) 2011 and the proceedings dated 19.08.2011 in Mu.Mu.No.17178/ ந/ஒ/வ(4) 2010 and quash the same and thereby directing the respondents to sanction the medical reimbursement eligible to the petitioner as per the Government order for the treatment on the petitioner's wife as per the law.

For Petitioner : Mr.A.R.Nixon

For Respondents: Mr.S.Prabhakaran
Government Advocate

O R D E R

The rejection of the claim of the writ petitioner for medical reimbursement is under challenge in the present writ petition.

2.The petitioner is a pensioner and a member of Health Insurance Scheme. Thus, the petitioner states that he is eligible for medical reimbursement. The case of the writ petitioner is that his wife underwent medical treatment from 27.01.2010 to 16.02.2010 at Gowtham Hospital at Cochin, Kerala State. The petitioner submitted an application seeking medical reimbursement. The said application was rejected on the ground



that the benefit of medical reimbursement for the treatment taken by the spouse of an employee was granted by the Government in G.O.Ms.No.223, dated 29.09.2010 and therefore, the case of the writ petitioner cannot be considered.

3. In other words, the wife of the writ petitioner underwent treatment prior to the issuance of the Government Order extending the benefit of medical reimbursement to the spouse of the State pensioner. The Government order issued in G.O.Ms.No.223, Municipal Administration and Water Supply Department, dated 29.09.2010 stipulates that the benefit of medical reimbursement to the spouse is extended only with effect from the date of issuance of the Government Order i.e. 29.09.2010. When the Government Order clearly stipulates the eligibility for availing the benefit of medical reimbursement, the case of the writ petitioner was rightly rejected by the respondents as the wife of the writ petitioner underwent treatment before issuing the Government Order issued in G.O.Ms.No.223. Thus, there is no infirmity as such in respect of the order impugned passed and accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sli/sms

To

1. State of Tamil Nadu rep.
By the Secretary to Government
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Supply Department, Fort St.George,
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2. The Director of Local Fund Audit
Kuralagom, Chennai - 600 108.

+1cc to the Government Pleader, S.R.No.34521

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GPL(CO)
CT/23/06/2022